

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Eustace O. Uku
Debtor(s)

Bankruptcy Case No.: 21-21712-CMB
Per September 20, 2021 Proceeding
Chapter: 13
Docket No.: 72 – 36
Concil. Conf.: December 16, 2021 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 24, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 16, 2021 at 11:30 AM, in remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

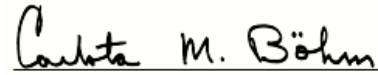
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 21, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Eustace O. Uku
Debtor

Case No. 21-21712-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Sep 21, 2021

User: dric
Form ID: 149

Page 1 of 4
Total Noticed: 67

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 23, 2021:

Recip ID	Recipient Name and Address
db	+ Eustace O. Uku, 214 Farmington Road, Pittsburgh, PA 15215-1633
cr	+ Charles A., Jr. Knoll, 301 Smithfield Street, Pittsburgh, PA 15222-2207
cr	+ Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place, Mezzanine Level, Pittsburgh, PA 15222-4227
cr	PNC Bank, N.A., 249 Fifth Avenue, One PNC Plaza, Pittsburgh, PA 15222
cr	+ Penn Hills School District and Municipality of Pen, Tax Division, c/o Maiello, Brungo & Maiello, LLP, Foxpointe II, 100 Purity Rd, Ste. 3 Pittsburgh, PA 15235-4441
cr	+ Peoples Natural Gas Company LLC, GRB Law, Frick Building, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
15398189	+ Allegheny County, John K. Weinstein, County Treasurer, Romm 108 Courthouse, 436 Grant Street, Pittsburgh, PA 15219-2400
15398191	+ Bank of America, P.O. Box 31785, Tampa, FL 33631-3785
15398192	+ Bank of America, P.O. Box 982238, El Paso, TX 79980-0001
15401128	Bank of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
15398196	+ Charles A. Knoll, 408 Beaver Street, Sewickley, PA 15143-1502
15398197	+ Charles A. Knoll, 408 1/2 Beaver Street, Sewickley, PA 15143-1502
15402272	+ Charles A. Knoll, Jr., 301 Smithfield Street, Pittsburgh, PA 15222-2207
15407978	+ City of Clairton, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
15398200	+ City of Clairton, 551 Ravensburg Blvd., Clairton, PA 15025-1297
15398203	Commonwealth of PA, Department of Revenue, Bureau of Compliance, Department 280948, Harrisburg, PA 17128-0432
15402271	+ David M. Nernberg, 301 Smithfield Street, Pittsburgh, PA 15222-2207
15398208	+ Exico Inc., 241 Fourth Avenue, Pittsburgh, PA 15222-1709
15398209	+ Exico, Inc., 214 Farmington Rd., Pittsburgh, PA 15215-1633
15398210	+ Fox Chapel Area School District, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
15398211	+ Guardian Protection Services, 174 Thorn Hill Road, Warrendale, PA 15086-7528
15398212	+ Jennifer L. Cerce, Esquire, Maiello, Brungo & Maiello, LLP, South Side Works, 424 South 27th Street #210, Pittsburgh, PA 15203-2380
15398213	+ Jordan Tax Services, PO Box 200, Bethel Park, PA 15102-0200
15398214	+ Joshua A. Lyons, Esquire, Maurice A. Nernberg & Associates, 301 Smithfield Street, Pittsburgh, PA 15222-2207
15398215	+ Katherine L. DiAmico, Esquire, Portnoff Law Associates, Ltd, P.O. Box 391, Norristown, PA 19404-0391
15398216	+ Kristen Wetzel Ladd, Esquire, Unruh, Turner, Burke & Frees, P.C., P.O. Box 515, West Chester, PA 19381-0515
15398218	+ Michael G. McCabe, Esquire, Goehring Rutter and Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6107
15407976	+ Municipality of Penn Hills, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
15398220	+ Nissan, P.O. Box 660366, Dallas, TX 75266-0366
15410315	+ PNC Bank, N.A., 249 Fifth Avenue, 17th Floor, Pittsburgh, PA 15222-2707
15398224	PNC Bank, NA, 1400 Market Street, Philadelphia, PA 19103
15412322	+ Penn Hills Municipality, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15398221	+ Penn Hills School District, 12200 Garland Drive, Pittsburgh, PA 15235-3485
15412260	+ Penn Hills School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
15407977	+ Penn Hills School District, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
15398222	+ Penn Hills School District &, Municipal Tax Office, c/o Keystone Collections, 260 Aster Street, Pittsburgh, PA 15235-2059
15398223	Penn Hills Township, 1200 Frankstown Road, 2nd Floor, Pittsburgh, PA 15235
15398225	+ Shelley Fant, 821 Old Mill Road, Pittsburgh, PA 15238-1711
15398228	Shelley Fant, 851 Old Mill Rd., Pittsburgh, PA 15238
15398227	Shelley Fant, 381 Old Mill Road, Pittsburgh, PA 15238
15398231	+ UPMC Health Services, P.O. Box 1123, Minneapolis, MN 55440-1123
15398232	+ UPMC Physician Services, P.O. Box 1123, Minneapolis, MN 55440-1123

TOTAL: 42

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern

District/off: 0315-2

User: dric

Page 2 of 4

Date Rcvd: Sep 21, 2021

Form ID: 149

Total Noticed: 67

Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@americaninfosource.com	Sep 21 2021 23:19:15	Ally Financial, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 21 2021 23:07:00	CITIZENS BANK, N.A., Citizens Bank, 1 Citizens Bank Way, Mail Stop JCA-130, Johnston, RI 02919
cr	+ Email/Text: kburkley@bernsteinlaw.com	Sep 21 2021 23:07:00	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15398190	+ Email/Text: ally@ebn.phinsolutions.com	Sep 21 2021 23:07:00	Ally Financial, P.O. Box 380901, Minneapolis, MN 55438-0901
15400910	Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 21 2021 23:07:00	Citizens Bank N.A., One Citizens Bank Way Mailstop JCA115, Johnston, RI 02919
15398193	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 21 2021 23:19:15	Capital One Bank, P.O. Box 30281, Salt Lake City, UT 84130-0281
15402236	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 21 2021 23:19:21	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15398194	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Sep 21 2021 23:19:21	Capital One Bank USA, P.O. Box 30258, Salt Lake City, UT 84130-0258
15398195	+ Email/Text: BKBCNMAIL@carringtonms.com	Sep 21 2021 23:07:00	Carrington Mortgage Service, 15 Enterprise Street, Aliso Viejo, CA 92656-2653
15398198	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Sep 21 2021 23:19:12	Citibank, P.O. Box 6190, Sioux Falls, SD 57117-6190
15398199	+ Email/Text: Bankruptcy.RI@Citizensbank.com	Sep 21 2021 23:07:00	Citizens Bank, 1000 Lafayette Blvd., Bridgeport, CT 06604-4725
15398201	Email/Text: documentfiling@lciinc.com	Sep 21 2021 23:07:00	Comcast, P.O. Box 3002, Southeastern, PA 19398-3002
15398202	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Sep 21 2021 23:07:00	Commonwealth of PA, Department of Revenue, Bureau of Compliance, Department 280946, Harrisburg, PA 17128-0001
15398204	+ Email/Text: bankruptcy@credencerm.com	Sep 21 2021 23:07:00	Credence Resource Managment, P.O. Box 2300, Southgate, MI 48195-4300
15398205	+ Email/PDF: creditonebknofications@resurgent.com	Sep 21 2021 23:19:16	Credit One Bank Na, P.O. Box 98872, Las Vegas, NV 89193-8872
15411748	+ Email/Text: BKBCNMAIL@carringtonms.com	Sep 21 2021 23:07:00	Deutsche Bank National Trust Company, at. el, c/o Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5948
15398206	+ Email/Text: G06041@att.com	Sep 21 2021 23:07:00	Direct TV, P.O. Box 5007, Carol Stream, IL 60197-5007
15398207	+ Email/Text: bankruptcynotices@dcicollect.com	Sep 21 2021 23:07:00	Diversified Consultants Inc., P.O. Box 551268, Jacksonville, FL 32255-1268
15398217	+ Email/PDF: resurgentbknofications@resurgent.com	Sep 21 2021 23:19:12	LVNV Funding LLC, c/o Resurgent Capital Services, P.O. Box 10587, Greenville, SC 29603-0587
15400770	Email/PDF: resurgentbknofications@resurgent.com	Sep 21 2021 23:19:12	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15398219	+ Email/Text: eschrecengost@pennhills.org	Sep 21 2021 23:07:00	Municipality of Penn Hills, 12245 Frankstown Road, Pittsburgh, PA 15235-3405
15400337	Email/Text: RVSVCBICNOTICE1@state.pa.us	Sep 21 2021 23:07:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946

District/off: 0315-2

User: dric

Page 3 of 4

Date Rcvd: Sep 21, 2021

Form ID: 149

Total Noticed: 67

15398230	Email/PDF: ais.sprint.ebn@americaninfosource.com	Sep 21 2021 23:19:11	Sprint, P.O. Box 4191, Carol Stream, IL 60197
15398229	+ Email/Text: bankruptcy@sw-credit.com	Sep 21 2021 23:07:00	Southwest Credit Systems, 4120 International Parkway ste 1100, Carrollton, TX 75007-1958
15398233	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Sep 21 2021 23:19:12	Verizon, by American InfoSource as agent, P.O. Box 4457, Houston, TX 77210-4457

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Deutsche Bank National Trust Company, as Indenture
15398234		Yale Development & Contracting, Inc.
cr	*+	Shelley Fant, 821 Old Mill Road, Pittsburgh, Pa 15238-1711
15398226	*+	Shelley Fant, 821 Old Mill Rd., Pittsburgh, PA 15238-1711

TOTAL: 2 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 23, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 21, 2021 at the address(es) listed below:

Name	Email Address
Amanda Grant	on behalf of Creditor CITIZENS BANK N.A. agrant@utbf.com
Anthony T. Kovalchick	on behalf of Creditor Dep't of Revenue Office of Attorney General akovalchick@attorneygeneral.gov
Brian Nicholas	on behalf of Creditor Deutsche Bank National Trust Company as Indenture Trustee for New Century Home Equity Loan Trust 2004-1 bnicholas@kmlawgroup.com
David M Nernberg	on behalf of Creditor Charles A. Jr. Knoll dmn@nernberg.com
Donald R. Calaiaro	on behalf of Debtor Eustace O. Uku dcalaiaro@c-vlaw.com cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com; mpeduto@c-vlaw.com; rfeil@c-vlaw.com; eratti@c-vlaw.com
Jennifer L. Cerce	on behalf of Creditor Penn Hills School District and Municipality of Penn Hills jlc@mbm-law.net
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Kristen Wetzel Ladd	on behalf of Creditor PNC Bank N.A. kladd@utbf.com, nanderson@utbf.com

District/off: 0315-2

User: dric

Page 4 of 4

Date Rcvd: Sep 21, 2021

Form ID: 149

Total Noticed: 67

Mary Bower Sheats

on behalf of Creditor Shelley Fant Mary@mbsheatslaw.com
mbsheats@gmail.com;Sheats@GubinskyLaw.com;G19303@notify.cincompass.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 12